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Gentlemen:

The undersigned (FPA, IACP, IPA, SWAPA, and IBT representing approximately 20,000 crewmembers) concur with the basic document submitted by the entire labor group concerning the issue of Reserve and Reserve Rest. This submission is supplementary to that document and it addresses additional methodology applicable to the Part 135 and non-scheduled carriers (non-scheduled as used herein applies to carriers currently operating under Part 121, Subpart S (supplemental rules) excluding such carriers as FEDEX, UPS, etc. that may operate under supplemental rules, but do so with a known published operating schedule).

It is recommended that the basic labor document, addressing a Protected Time Period (PTP) and Reserve Availability Period (RAP) methodology, apply to all carriers, i.e., scheduled, non-scheduled (as herein defined), and Part 135. Additionally, it is recommended that non-scheduled and Part 135 carriers be provided an alternative method for reserve assignments where it can be validated that the PTP-RAP methodology cannot be applied. An example requiring this alternative means would be an aircraft with one crew at a station with a prospective duty to operate the aircraft at an undetermined time.

The underlying rationale of the Flight and Duty Time ARAC working groups over the past seven years has been to ensure that crews are provided a reasonable sleep opportunity. The most effective means of rest is to provide a sleep opportunity at the same time each night. Recognizing that this is not always possible in the air transport industry, the PTP-RAP methodology and a reduced duty time, based on predetermined notice periods, represent two means of satisfying the underlying rationale of ensuring a reasonable sleep opportunity.

This alternative methodology greatly reduces the economic impact of regulatory reform on the non-scheduled and Part 135 segment of the air transport industry.

We believe that this submission should be helpful to the FAA in formulating a new rule that balances safety, economics, and the public interest. We are pleased that the FAA has addressed this issue and we are supportive of constructive change arising from the effort put forth by the respective groups and the Agency.

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PROPOSED REGULATORY LANGUAGE

121.xxx Alternative Means of Obtaining Reserve Rest for Non-scheduled Operators (without a known schedule) and Part 135 Operators (separate subpart)

(a) Non-scheduled operators and Part 135 operators may schedule a flight crewmember and that flight crewmember may accept a reserve assignment as follows:

(1) The operator first must assign a PTP period, discussed elsewhere in this rule, provided the operator's flight assignments have a known departure time (schedule), and the operator may then schedule and a crewmember may accept any assignment provided elsewhere in this rule excluding (2) and (3) below;

(2) If unable to comply with (1) above, and an advance notice before departure of not less than 14 hours is provided the crewmember, an operator may schedule and a crewmember may accept any assignment provided elsewhere in this rule excluding (3) below; or

(3) If unable to comply with (1) and (2) above, an operator may assign and a crewmember may accept a reduced duty period as set forth below:

(a) With 8 to 13:59 hours advance notice, the scheduled duty period is limited to 12 hours, but may be extended to 14 hours for operational delays; or

(b) With 6 to 7:59 hours advance notice, the scheduled duty period is limited to 10 hours, but may be extended to 12 hours for operational delays; or

(c) With 4 to 5:59 hours advance notice, the scheduled duty period is limited to 8 hours, but may be extended to 10 hours for operational delays; or

(d) With less than 4 hours advance notice, the scheduled duty period is limited to 7 hours, but may be extended 1 hour for operational delays.

(e) For assignments in paragraph (2) and (3) (a) through (d) above, the operator must relieve the crewmember from all further responsibilities between advance notice and report time.

(f) Advance notice, as used in paragraphs (a) through (d) above, means the time from when a crewmember is alerted for an assignment until transportation local in nature is available at that hotel to transport that crewmember to his place of assignment. The duty period thereby commences with hotel pick up.

Appendix I

Reference Data Furnished by the IBT

1. Normal daily sleep - References vary from 7 hours and 20 minutes to approximately 8 hours and 10 minutes.

Coren, S., *Sleep Thieves,* (Toronto: Free Press, 1996) pp. 251-253
(7 to 8 hours and 10 minutes.)

Dinges, D. and R. Broughton, *Sleep and alertness: Chronobiological, behavioral and medical aspects of napping,* (New York: Raven Press, 1989)
(Average sleep for N. American and European adults were around 7 hours and 20 minutes.)

Wojtczak-Jaroszowa, J., *Physiological and Psychological Aspects of Night and Shift Work,* USDEW (NIOSH) 1977
("During normal night sleep, lasting about 7½ hours....")

2. Napping –

Op. Cit., Coren, S., pp. 222-223
(Naps before and during a shift have shown "modest success.")

Nicholson, A. and B. Stone, *Circadian Rhythms and Disturbed Sleep: Its Relevance to Transport Operations,* IJAS 1/3-D (Unknown publication date in approximately 1982
("...naps, sleeps of 3-4 hours and very long periods of sleep are all attempts to adapt to the irregularity of duty hours and time zone changes, and to ensure adequate rest before the next duty period. It would be reasonable to assume that the natural requirements for sleep are met in this way-even though the timing and duration of the sleep periods are radically changed.")

Nicholson, A., *Sleep and Wakefulness of the Airline Pilot,* Stewart Memorial Lecture presented February 11, 1986 at the Royal Aeronautical Society
("...with a 4 hour period of sleep during the evening, there was a sustained improvement in performance overnight" ....."...recent studies show how (*naps*) can improve alertness...There was a distinct improvement in their alertness during the day when a nap of 1 hour was taken in the morning. The effect was evident in the afternoon, as the nap seemed to encourage the rise in alertness, which normally occurs during the day. The duration of a nap may be critical if it is to be beneficial, and its effects may last for several hours.")